

REMARKS

Status of Claims

Claims 1 and 6-12 are pending, with claim 1 being independent.

Claims 1 and 11 have been amended to correct informalities in claim language and to more clearly define the intended subject matter. Claim 12 has been added. Care has been taken to avoid introducing new matter.

In view of the above amendment and the following remarks, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

Patentability under 35 U.S.C. § 103

Claims 1 and 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen et al. (USP 6,402,484) in view of Kubota (US 2004/0052653). Claims 8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen and Kubota, in view of Outzen (US 4,759,693). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen and Kubota, in view of Alfano et al. (USP 5,487,648). Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Svendsen and Kubota, in view of An et al. (USP 6,415,888). These rejections are traversed for at least the following reasons.

The Examiner asserts that the combination of Svendsen and Kubota discloses the features of claim 1. Specifically, the Examiner asserts that Kubota discloses oil hole 60 at FIG. 5B. The Examiner appears to construe that the bottom portion of the pipe (BE) corresponds to the claimed seal portion. Applicants disagree.

In the present disclosure, the oil hole is disposed *above the cylinder head*. None of the cited references discloses such a configuration of the oil hole. As such, claim 1 and all claims dependent thereon are patentable over the cited references.

Regarding claim 11, the Examiner asserts that An discloses that an oil hole is disposed on the body of a muffler. However, in An, the oil hole is disposed on a bottom of the body, but is not disposed above the seal portion, as recited by claim 11. As such, it is clear that claim 11 is patentable on its own merit in addition to the dependency upon claim 1.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 1 and 6-11 under 35 U.S.C. § 103(a).

New Claim

Applicants submit that since none of the cited references discloses that the oil hole is disposed on a side of the body of the suction muffler, as recited by new claim 12, claim 12 is patentable over the cited references.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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